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2 County of San Diego  
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5 Attorneys for Defendants County of San Diego, William D. Gore, Alfred Joshua, M.D.,  
Larry DeGuzman, David Guzman and Mary Montelibano

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7 **IN THE UNITED STATES DISTRICT COURT**  
8 **FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

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10 DAVE THOMAS, as Guardian ad Litem  
11 on behalf of JONATHAN THOMAS,

12 Plaintiff,

13 v.

14 COUNTY OF SAN DIEGO, WILLIAM  
15 D. GORE, individually; ALFRED  
JOSHUA, individually; and DOES  
16 1through 100, inclusive,

17 Defendants.

18 ) No.15cv2232-L-AGS

) **NOTICE OF MOTION AND  
DEFENDANTS' MOTION FOR  
SUMMARY JUDGMENT, OR IN THE  
ALTERNATIVE, PARTIAL  
SUMMARY JUDGMENT**

) Date: October 22, 2018

) Time: 10:30 a.m.

) Judge: Hon. M. James Lorenz

) Dept: 5B

) **NO ORAL ARGUMENT UNLESS  
ORDERED BY THE COURT**

19 PLEASE TAKE NOTICE that on October 22, 2018, at 10:30 a.m., or as soon  
20 thereafter as the matter may be heard, in Courtroom 5B of the above court, located at 221  
21 W. Broadway, San Diego, CA 92101, Defendants County of San Diego ("County"),  
22 William D. Gore, Alfred Joshua, M.D., Larry DeGuzman, David Guzman and Mary  
23 Montelibano (collectively, "Defendants") will move the Court for summary judgment, or  
24 in the alternative, partial summary judgment on the grounds that:

25 1. The first cause of action under 42 U.S.C. section 1983 for deliberate  
26 indifference fails as a matter of law because Defendants were not deliberately indifferent  
27 to any serious medical need and they

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1       2. The first cause of action also fails as a matter of law because the individually  
2 named Defendants are entitled to qualified immunity.

3       3. The second, third, and fourth causes of action under 42 U.S.C. section 1983  
4 for municipal federal civil rights liability fail as a matter of law because Plaintiff failed to  
5 present any evidence that a County policy, custom or inadequate training amounted to  
6 deliberate indifference and that such policy, custom or inadequate training was the  
7 moving force behind a constitutional violation.

8       4. The County cannot be liable for any of Plaintiff's claims because the  
9 individual Defendants are immune and/or not liable for such claims.

10      5. Plaintiff's Complaint, in its entirety, fails as a matter of law because no act  
11 or omission by any Defendant caused the incident giving rise to Plaintiff's claims.

12      This motion will be based on this Notice, the accompanying Memorandum of  
13 Points and Authorities, the declarations of Alfred Joshua, M.D., Colleen Kelly, Ph.D.,  
14 Assistant Sheriff John Ingrassia, Sergeant Joseph Navarro, and Connie Magana, the  
15 Notice of Lodgment, the Request for Judicial Notice, as well as all pleadings and papers  
16 on file in this action.

17 DATED: September 10, 2018

THOMAS E. MONTGOMERY, County Counsel

18      By: s/ROBERT A. ORTIZ, Senior Deputy  
19 Attorneys for Defendants County of San Diego,  
20 William D. Gore, Alfred Joshua, M.D., Larry  
21 DeGuzman, David Guzman and Mary  
22 Montelibano  
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